

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CULLER et al.,

Plaintiffs,

-v-

SHENK et al.,

Defendants.

CIVIL ACTION NO.: 22 Civ. 3077 (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On April 13, 2022, Defendants filed a Notice of Removal of this action from the Supreme Court of the State of New York, County of Bronx based on the diversity of the parties. (ECF No. 1 (the “Notice”)). On May 23, 2022, the parties consented to proceed before the undersigned. (ECF No. 14).

On April 27, 2022, Plaintiffs filed a Motion to Remand (the “Motion”) this action to state court on the basis that (i) the Notice is “defective and insufficient being that a complete set of pleadings was not attached[,]” and (ii) “Defendants failed to provide any factual allegations to support its assertion that the \$75,000 requirement for diversity jurisdiction has been satisfied.” (ECF No. 8). On May 6, 2022, Defendants took the position that “if the plaintiffs will agree the monetary value of their case is below this [sic] \$75,000, then the defendants will consent to the case being remanded.” (ECF No. 9). On May 26, 2022, the Court directed Plaintiffs to advise the Court whether the amount in controversy exceeds \$75,000. (ECF No. 15). On June 6, 2022, Plaintiffs advised the Court that “the amount in controversy exceeds seventy-five thousand (\$75,000.00) dollars.” (ECF No. 17). Accordingly, the Court has subject-matter jurisdiction pursuant to 28 U.S.C. § 1332(a), and the Motion is DENIED.

No initial case management conference yet having taken place in this action, it is hereby **ORDERED** that an initial conference in accordance with Fed. R. Civ. P. 16 will be held on **Wednesday, July 6, 2022, at 12:00 pm**, in Courtroom 18A, 500 Pearl Street, New York, New York. At the conference, the parties must be prepared to discuss the subjects set forth in Fed. R. Civ. P. 16(b) and (c).

It is further ORDERED that counsel shall meet and confer in accordance with Fed. R. Civ. P. 26(f) no later than **21 days before** the Initial Case Management Conference. No later than **one week (seven (7) calendar days) before** the conference, the parties shall file a Report of Rule 26(f) Meeting and Proposed Case Management Plan, via ECF, signed by counsel for each party. A template is available at <https://www.nysd.uscourts.gov/hon-sarah-l-cave>.

To the extent the parties disagree about any portion of the Proposed Case Management Plan, they may set forth their respective proposals for the disputed provision, without argument.

It is further ORDERED that by **Wednesday, June 15, 2022**, Defendants shall file a complete set of pleadings, including all provisions that were not attached to the Notice.

Dated: New York, New York
June 7, 2022

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge